

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rule making related to dependent adult abuse

The Inspections and Appeals Department hereby amends Chapter 52, “Dependent Adult Abuse in Facilities and Programs,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 10A.104 and 235E.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 235E.2 as amended by 2019 Iowa Acts, House File 304, and Iowa Code section 235E.5.

Purpose and Summary

The amendment implements changes made to Iowa Code chapter 235E resulting from 2019 Iowa Acts, House File 304, which added a citation to reference “personal degradation” as defined in Iowa Code section 235E.1(5)“a”(3) to the list of dependent adult abuses required to be reported that shall be collected and maintained by the Department of Human Services as an assessment only for a five-year period and shall not be included in the central registry or considered to be founded dependent adult abuse if determined by the Department of Inspections and Appeals to be minor, isolated, and unlikely to reoccur.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 29, 2020, as **ARC 4890C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Inspections and Appeals Department on March 5, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 29, 2020.

The following rule-making action is adopted:

Amend subrule 52.3(3) as follows:

52.3(3) *Reports of abuse that is minor, isolated, and unlikely to reoccur.*

a. Minor, isolated, and unlikely to reoccur—first instance. A report of dependent adult abuse that meets the definition of “dependent adult abuse” as defined in Iowa Code section 235E.1(5) “a”(1)(a) or (d), or section 235E.1(5) “a”(3), which the department determines is minor, isolated, and unlikely to reoccur shall be collected and maintained by the department of human services for a five-year period, shall not be included in the central registry, and shall not be considered founded dependent adult abuse.

b. Minor, isolated, and unlikely to reoccur—subsequent instance(s). A subsequent report of dependent adult abuse that meets the definition of “dependent adult abuse” as defined in Iowa Code section 235E.1(5) “a”(1)(a) or (d), or section 235E.1(5) “a”(3), that occurs within the five-year period, and that is committed by the same caretaker may also be considered minor, isolated, and unlikely to reoccur, depending on the totality of circumstances.

c. No change.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/20.